

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 13 - 24 are pending in the application. Currently, claims 13 - 16, 18 - 21, 23, and 24 stand rejected and claims 17 and 22 stand objected to.

By the present amendment, claims 13, 14, 16, 17, 18, 19, and 21 have been amended; claims 23 and 24 have been cancelled; and new claims 25 - 32 have been added to the application.

In the office action mailed June 23, 2004, objected to the drawings as not showing certain features set out in claims 23 and 24 and further rejected claims 23 and 24 under 35 U.S.C. 112, first paragraph and under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,899,901 to Middleton. Further, claim 24 was rejected under 35 U.S.C. 112, second paragraph. This objection and the foregoing rejections have been mooted by the cancellation of claims 23 and 24.

Further in said office action, claims 14 - 16, and 19 - 21 were rejected under 35 U.S.C. 112, second paragraph; and claims 13 - 16, and 19 - 21 were rejected under 35 U.S.C. 102(b) as being anticipated by EP 0 535 623 to Stahurski et al.

The foregoing rejections are traversed by the instant response.

With regard to the rejection under 35 U.S.C. 112, second paragraph, appropriate amendments have been made to claims 14, 16, 19, and 21 to obviate the rejection. With regard to claims 14 and 19, the objected to language has been deleted. All that was meant by the phrase was that the arms forming the branches could be made from a flexible material which allowed the arms to flex or by a shape memory material which would allow the arms to

lock into position when a desired temperature was achieved. With regard to claims 16 and 21, both claims have been amended to clarify that the subject matter being claimed is the inclined surfaces and how they converge towards the threading on the closure part.

With regard to the rejection of claims 13 - 16 and 18 - 21 on anticipation grounds over Stahurski et al., it is submitted that Stahurski et al. does not teach or suggest the subject matter of amended claims 13 and 18. In particular, Stahurski et al. lacks any guide means which includes undercut portions in external lateral surfaces of the forked shaped part of the head which form arched shoulders.

Claims 14 - 16 and 19 - 21 are allowable for the same reasons as claims 13 and 18 as well as on their own accord. For example, Stahurski et al. does not teach or suggest the closure part having complementary shoulders (claims 14 and 19) which have transverse surfaces for contacting the shoulders on the head for anchoring the closure part. Stahurski et al. also does not teach or suggest the claimed inclined surfaces of claims 16 and 21.

Claims 17 and 22 have been placed into independent form and are thus now in condition for allowance.

New claims 25 - 32 are allowable because none of the cited and applied patents teach or suggest the subject matter of these claims.

For the foregoing reasons, the instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, he is

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Resp. dated Dec. 21, 2004
Reply to office action of June 23, 2004

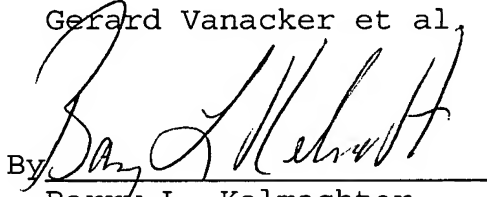
hereby invited to contact Applicant's attorney at the telephone number listed below.

A three month extension of time and a check in the amount of \$1,220.00 to cover the extension of time fee and the extra independent claim fee is enclosed herewith. Should the Commissioner determine that an additional fee is due, he is hereby authorized to charge said fee to Deposit Account No. 02-0184.

Respectfully submitted,

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By


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I, Nicole Motzer, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on December 21, 2004.

